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BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

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AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF:

Arizona Corporation Commission

DAVID CARROLL LOACH
2237 E. Virginia Avenue
Phoenix, AZ 85006
(CRD #1251138)

DOCKETED

JUL 25 2002

GARY MULBURN LAHA
4311 W. Sweetwater Road
Glendale, AZ 85304
(CRD #2210875)

DOCKETED BY

CM

Respondents.

DOCKET NO. S-03476A-02-0000

THIRD
PROCEDURAL ORDER

BY THE COMMISSION:

On May 23, 2002, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing Regarding the Temporary Order to Cease and Desist, for Restitution, for Administrative Penalties, and for Other Affirmative Action ("Notice") against David Carroll Loach and Gary Milburn Laha (collectively the "Respondents") in which the Division alleged that Respondents have engaged in acts, practices, and transactions that constitute violations of the Arizona Securities Act ("Act").

On May 24, 2002, Respondent Laha filed a request for hearing and a pre-hearing conference.

On May 29, 2002, Respondent Loach, through his attorney, filed a request for a hearing and a pre-hearing conference.

On June 4, 2002, by Procedural Order, a pre-hearing conference was scheduled for July 1, 2002.

On June 27, 2002, a Stipulated Motion to Vacate Order Setting Pre-Hearing Conference and

1 to Set a Hearing was filed by the Division and Respondent Loach.¹ Respondent Loach's counsel and
2 the Division agreed to waive the time limitations pursuant to A.R.S. § 44-1972(E).

3 On July 1, 2002, the Commission issued a Procedural Order that, in regards to Respondent
4 Loach, vacated the prehearing on July 1, 2002 and reset it for a hearing on September 30, 2002. As
5 for Mr. Laha, the Procedural Order continued the prehearing from July 1, 2002 to July 22, 2002.

6 On July 19, 2002, the Division and Respondent Laha filed a Stipulated Motion To Vacate
7 Order Setting Pre-Hearing Conference Regarding Gary Milburn Laha. The Division stated that since
8 the Commission had approved the Consent Order between the Division and Respondent Laha in
9 Decision No. 65005 (July 2, 2002), Respondent Laha ought to be excused from participation in any
10 further proceedings, unless and until his participation as a non-party witness should be requested by
11 either the Division or Respondent Loach.
12

13 Accordingly, the pre-hearing conference scheduled for July 22, 2002 should be vacated.

14 IT IS THEREFORE ORDERED that the pre-hearing in this case set for July 22, 2002 is
15 vacated.
16

17 IT IS FURTHER ORDERED that Respondent Laha is excused from participation in any
18 further proceedings, unless and until his participation as a non-party witness should be requested by
19 the Division, Respondent Loach or the Commission.

20 IT IS FURTHER ORDERED that, in regards to Respondent Loach, the hearing in this case
21 set for September 30, 2002 at 9:00 a.m., at the Commission's offices, 1200 West Washington Street,
22 Phoenix, Arizona is affirmed.
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¹ Respondent Laha entered into a Consent Order with the Division and was not a party to the Motion.

IT IS FURTHER ORDERED that the parties shall exchange witness lists and exhibits not later than 10 days before the hearing and provide a copy of same to the presiding Administrative Law Judge, unless otherwise ordered by the Administrative Law Judge.

DATED this 25 day of July, 2002.


PHILIP J. DION III
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 25 day of July, 2002.


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By: 
Molly Johnson
Secretary to Philip J. Dion III